

**IN THE STATE COURT OF HENRY COUNTY
STATE OF GEORGIA**

TONI MILLERDEN,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION FILE
)	NO.: STSV2022002019
)	
WAL-MART STORES EAST, LP)	
(DELAWARE); STEVE BRISCUSO;)	
ABC CORPS. 1-2; and JOHN DOES 1-3,)	
)	
Defendants.)	

**PLAINTIFF'S RESPONSES TO DEFENDANT WAL-MART
STORES EAST, LP'S FIRST REQUEST FOR ADMISSIONS**

COMES NOW, Plaintiff TONI MILLERDEN and, pursuant to O.C.G.A. § 9-11-36, responds to Defendant WAL-MART STORES EAST, LP's First Request for Admissions to Plaintiff Toni Millerden as follows:

RESPONSES

1.

You have experienced pain or discomfort in the past which is the same or similar to any pain or discomfort which you allege resulted from the incident referenced in the Complaint.

RESPONSE: Denied.

2.

Prior to the date of the incident referenced in the Complaint, you had received treatment from one or more healthcare professionals for conditions or injuries like or similar to the problems which you allege resulted from this incident.

RESPONSE: Denied.

4. (*sic.*)

You were not employed at the time of the incident referenced in the Complaint.

RESPONSE: Denied.

5.

You did not miss any time from work as a result of the incident referenced in the Complaint.

RESPONSE: Denied.

6.

You do not currently have any restrictions in your employment, personal, or recreational activities attributable to the incident.

RESPONSE: Denied.

7.

No doctor has ever limited or restricted your activities as a result of the incident.

RESPONSE: Plaintiff objects to Request No. 7 to the extent it seeks a medical opinion or diagnosis for which Plaintiff is not qualified to provide. Subject to and without waiving said objections and to the best of Plaintiff's current knowledge, understanding, and recollection, admitted.

8.

You have completely recovered from the injury or injuries which you allegedly sustained as a result of the incident referenced in the Complaint.

RESPONSE: Denied.

9.

As to the special damages for which you are seeking compensation in this action, you qualified for insurance benefits payable for healthcare services or products secured as a result of the incident referenced in the Complaint.

RESPONSE: Denied.

10.

Please admit you have personally paid none of the bills received for services or products provided by healthcare professionals for problems or injuries which you relate to the incident.

RESPONSE: Denied.

11.

You have no outstanding and/or unpaid medical expenses arising out of the incident referenced in the Complaint.

RESPONSE: Denied.

12.

You have been reimbursed for any purported loss of income.

RESPONSE: Denied.

13.

Plaintiff will not seek, recover, or collect from Wal-Mart Stores East, LP, Steve Briscuso, ABC Corporation, John Doe, and/or any Wal-Mart entity a sum in excess of \$75,000.00.

RESPONSE: Plaintiff objects to Request No. 13 to the extent it asks Plaintiff to stand in the shoes of an impartial jury. Currently, Plaintiff makes no statement about the amount she would seek to recover at trial. As stated in her Complaint, Plaintiff will recover all damages allowable and recoverable under applicable law *in amounts to be determined by a jury*. Therefore, denied.

14.

Any portion of a verdict against defendants that exceeds \$75,000 will be written down by the Court so that the Judgment shall not exceed the sum of \$75,000.

RESPONSE: Plaintiff objects to Request No. 14 to the extent it asks Plaintiff to stand in the shoes of an impartial jury. Currently, Plaintiff makes no statement about the amount she would seek to recover at trial. As stated in her Complaint, Plaintiff will recover all damages allowable and recoverable under applicable law *in amounts to be determined by a jury*. Therefore, denied.

15.

Neither Wal-Mart Stores East, LP, Steve Briscuso, ABC Corporation, John Doe, nor any Wal-Mart entity in this action shall be ordered, adjudged, or called upon to pay Plaintiff a sum in excess of \$75,000.

RESPONSE: Plaintiff objects to Request No. 15 to the extent it asks Plaintiff to stand in the shoes of an impartial jury. Currently, Plaintiff makes no statement about the amount she would seek to recover at trial. As stated in her Complaint, Plaintiff will recover all damages allowable and recoverable under applicable law *in amounts to be determined by a jury*. Therefore, denied.

This 30th day of January, 2023.

MORGAN & MORGAN ATLANTA, PLLC

/s/ Benjamin J. Welch

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CERTIFICATE OF SERVICE

Plaintiff hereby certifies that a true and correct copy of *Plaintiff's Responses to Defendant Wal-Mart Stores East, LP's First Request for Admissions* was delivered for service via electronic mail to the following counsel of record:

Jonathan M. Adelman
Casey J. Brown
WALDON ADELMAN CASTILLA HIESTAND & PROUT
900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
Attorneys for Defendants

This 30th day of January, 2023.

MORGAN & MORGAN ATLANTA, PLLC

/s/ Benjamin J. Welch

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